IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

WEDNESDAY, THE 12TH SEPTEMBER 2007 / 21ST BHADRA 1929

WP(C).No. 26559 of 2007(J)

PETITIONER:

VENUS ENGINEERING WORKS & FOUNDRY
PRIVATE LIMITED, STUDIO ROAD, NEMOM,
THIRUVANANTHAPURAM, REPRESENTED BY ITS
GENERAL MANAGER.

BY ADV. SRI.P.RAMAKRISHNAN

RESPONDENTS:
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1. TRIVANDRUM DISTRICT ENGINEER EMPLOYEES
UNION (CITU), NEMOM, TRIVANDRUM, REPRESENTED BY
ITS GENERAL SECRETARY.

2. VENUS ENGINEERING EMPLOYEES UNION,
(INTUC), NEMOM, TRIVANDRUM.

3. VENUS ENGINEERING SWATHANTHRA WORKERS
UNION, NEMOM, TRIVANDRUM, REPRESENTED BY ITS
GENERAL SECRETARY.

4. THE CIRCLE INSPECTOR OF POLICE,
NEMOM, TRIVANDRUM.

5. THE C.I. OF POLICE,
MUSEUM POLICE STATION, TRIVANDRUM.

BY ADV. SRI.G.SUDHEER
GOVT. PLEADER SRI. SALIM P.A

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

Ext.P1: True copy of complaint dated 25.8.2007 submitted by the petitioner before the 4th respondent.

Ext.P2: True copy of complaint dated 3.9.2007 submitted by the petitioner before the 4th respondent.

Ext.P3: True copy of complaint dated 3.9.2007 submitted by the petitioner before the 5th respondent.

RESPONDENT'S EXHIBITS

Ext.R1(a): Copy of Notice issued by Dy LO, Thiruvananthapuram in LR(1) 4138/2007 dated 17.8.2007

Ext.R1(b): Copy of Notice issued by Dy LO Thiruvananthapuram in LR(1) 4138/2007 dated 24.8.2007

//True copy//

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K.BALAKRISHNAN NAIR &

T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C) NO. 26559 OF 2007-J

Dated 12th September, 2007.

JUDGMENT

Balakrishnan Nair, J.

The petitioner is a company running a factory. It is engaged in the manufacture of gears for bicycles. There is an industrial dispute between the petitioner and the workmen of the said factory, concerning the percentage of bonus. The workmen claim 20% bonus. According to the petitioner, its product has become obsolete and therefore, it is in financial difficulties. The workmen have gone on an indefinite strike without notice, it is submitted. They are causing obstruction to the office staff, who are not on strike and also other loyal workmen. They are threatening them and also the management staff including the General Manager. They have also threatened to take out a march to the residence of the General Manager. In the above background the petitioner filed Exts.P1 to P3 representations before different police authorities. When police did not extend any help, this writ petition is filed, seeking the following reliefs:

> "(i) a writ in the nature of mandamus or any other appropriate writ, order or direction directing the respondents 4 and 5 to provide adequate and effective protection to the petitioner's factory, staff and the General Manager's residential house as also to ensure their personal safety against any untoward act on the part of respondents 1 to 3, their members or supporters.
>
> (ii) hold that the respondents 4 and 5 are duly bound to act upon Exhibits P2 and P3 request and the delay in providing police protection as requested by the petitioner is arbitrary, illegal and unsustainable."

2. The respondents 1 to 3, which are the trade unions of the workmen under the petitioner, have filed a counter affidavit denying the allegations of the petitioner. They say, they are not causing any obstruction. The allegations of illegal acts from their part are unfounded, it is submitted. The dispute regarding payment of bonus is pending before the Deputy Labour Officer, who is the conciliation officer under the Industrial Disputes Act. But, the petitioner is not co-operating with the conciliation officer, it is submitted by respondents 1 to 3.

3. The learned Government Pleader submitted that the allegations of the petitioner are unfounded. There is no breach of peace or law and order problem, warranting interference of the police, except one incident of gherao of the General Manager of the industrial unit. The police intervened and the wrongful restraint of the General Manager was removed.

4. Having regard to the facts of the case, we feel that the only order

to be made is to ensure free ingress and egress of the office staff and loyal workmen,who were on the rolls of the company as on the date of commencement of the strike. If any obstruction is caused, the petitioner may alert the 4th respondent. In that event, the said respondent shall ensure that the obstruction is removed. The learned counsel for the petitioner submitted that the petitioner will co-operate with the conciliation machinery. This submission is recorded. Police protection is ordered on condition the petitioner co-operates with the conciliation machinery for settlement of the industrial dispute.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

Nm/